

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING CARRYING A LOADED FIREARM WHILE INTOXICATED.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) No person shall carry a pistol,
2 revolver, machine gun, shotgun, rifle or other
3 firearm, which is loaded and from which a shot may
4 be discharged, upon his person (1) while under the
5 influence of intoxicating liquor or any drug or
6 both or (2) while the ratio of alcohol in the
7 blood of such person is ten-hundredths of one per
8 cent or more of alcohol, by weight.
9 (b) Any person who violates any provision of
10 this section shall be guilty of a class B
11 misdemeanor.

12 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5604

STATE IMPACT Potential Future Cost, see
 explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: The bill would result in increased pressures on the criminal justice system. Over the long term, these pressures would lead to a need for increased criminal justice resources, especially for incarceration and community supervision. Although direct cost quantification is problematic, it should be noted that sHB 5021 (the revised Appropriations Act for FY 1998-99 as favorably reported by Appropriations) includes \$5.4 million to address overcrowding in the state's prisons and jails. In addition, the Public Defender Services Commission is currently under suit by the American Civil Liberties Union relating to the adequacy of funding for public defenders. Increases in criminal penalties will at some point require additional funds for criminal justice agencies in order to maintain adequate enforcement of other criminal laws.

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OLR BILL ANALYSIS

HB 5604

AN ACT PROHIBITING CARRYING A LOADED FIREARM WHILE INTOXICATED

SUMMARY: This bill makes it a class B misdemeanor to carry a loaded firearm that is capable of being fired while (1) under the influence of intoxicating liquor, drugs, or both or (2) having a blood-alcohol ratio of .10 or more. The bill applies to pistols, revolvers, machine guns, shotguns, rifles, and other firearms.

A class B misdemeanor is punishable by a fine of up to \$1,000, imprisonment for up to six months, or both.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Under-the-Influence Standard**

This bill mirrors part of the motor vehicle law regarding operating a motor vehicle while under the influence. Under this law a person can be convicted of driving under the influence of intoxicating liquor, drugs, or both based on evidence presented to the judge or jury. Alternatively, the person can be convicted of operating with a blood-alcohol ratio of .10 or above. HB 5515, favorably reported by the Transportation and Judiciary committees, would lower the standard to .08 or above.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0